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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.1788 of 2021

Sarala

.. Petitioner /
Mother of the detenu

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector and District Magistrate
of Ranipet District,
Ranipet - 1.
3. The Superintendent of Police,
Ranipet District, Ranipet.
4. The Superintendent of Prison,
Central Prison,
Vellore - 2.
5. The Inspector of Police,
Namili Police Station,
Ranipet District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent 27.07.2021 in B3/D.O.No.49/2021 against the petitioner's son Deena @ Dineshkumar, male, aged 20 years, S/o.Murugesan, who is confined at the Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.



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For Petitioner : Mr.D.Gopikrishnan
for Mr.D.Balaji

For Respondents : Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the mother of the detenu Deena @ Dineshkumar, male, aged 20 years, S/o.Murugesan. The detenu has been detained by the second respondent by his order in B3/D.O.No.49/2021 dated 27.07.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the arrest intimation has not been fully translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.29 and 30 of the booklet, it is clear that the arrest intimation has not been fully translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in B3/D.O.No.49/2021 dated 27.07.2021, passed



by the second respondent is set aside. The detenu, viz., Deena @ Dineshkumar, male, aged 20 years, S/o.Murugesan, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector and District Magistrate
of Ranipet District,
Ranipet - 1.
3. The Superintendent of Police,
Ranipet District, Ranipet.
4. The Superintendent of Prison,
Central Prison,
Vellore - 2.
5. The Inspector of Police,
Namili Police Station,
Ranipet District.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1788 of 2021

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NSK 12/04/2022